

Meeting of the Planning Board
June 10, 2019 – Town Hall

Present: Chairman Peter Canny, Members Loren Coons, Christine Delisio, Andrea Fish, Mary Foley, Gary Russell, Ron Mastrogiacomo
Staff Present: Town Planner Sue Brown, Planning Board Clerk/Secretary Helene Shaw-Kwasie

Chairman Canny opened the meeting at 7:00 p.m.

Minutes:

Upon motion made by Mrs. Delisio and seconded by Coons, it was VOTED to approve the minutes of May 6 as amended.

Upon motion made by Ms. Fish and seconded by Coons, it was VOTED to approve the minutes of May 20 as amended.

43 Lincoln Street, the application of Manchester-Essex Regional School District for a Special Permit under Sections 6. 9, 6.15 and 7.5 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G.

And 43 Lincoln Street, Manchester-Essex Regional School District, Determination under Section 4.9.5.1 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G and Determine that the proposed groundwater recharge system is satisfactory to the Planning Board.

Chairman Canny called to order the matter of 43 Lincoln Street, to consider the application of Manchester-Essex Regional School District for a Special Permit under Sections 6. 9, 6.15 and 7.5 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G, And the matter of 43 Lincoln Street, Manchester-Essex Regional School District, Determination under Section 4.9.5.1 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G and Determine that the proposed groundwater recharge system is satisfactory to the Planning Board.

Peer Review William Jones of Linden Associates, Applicant's attorney Richard "Chip" Nylén, MERSD Director of Finance Avi Urbas, Superintendent of Schools Pam Beaudoin, School Committee Building Committee Members Annie Cameron and Caroline Weld were present.

Atty. Nylén described the Decision and accepted all of the Town Counsel's verbiage.

Peer Reviewer Jones submitted comments and edits to the draft decision.

Mrs. Foley requested that there be a special condition relating to working with abutters to mitigate any potential impacts associated with the service road. Mr. Urbas said he would work

out problems with neighbors, and a special condition was added to the decision relative to working with abutters

Members and the applicant discussed notifying neighbors when there is blasting, repair of damage to roads, electricity for LEED, and police details which will be at the expense of the school.

Based upon the aforementioned Findings of Fact and upon motion made by Mr. Coons and seconded by Mr. Mastrogiacomo, with all eligible Members (Canny, Coons, Delisio, Fish, Foley, Mastrogiacomo), voting in the affirmative, it was VOTED that the Planning Board approves the Special Permit and Site Plan Review Decision as included in the draft Decision dated June 10, 2019 with the following conditions:

1. That in Section A8 of the Memo re: queue calculations is added to the Approval dated May 10, 2019.
2. That Special Condition 9 be amended by adding in the last sentence: The As-Built shall be provided within three months of completion of construction.
3. Special Condition 14 be amended to reference Section 4.9 of the By-law rather than Section 5.0 of the By-law.
4. That a Special Condition 16 be added which states: The District will work with the owner of 86 Summer Street and other abutters to mitigate any potential impacts associated with the new service road, including, but not limited to, plantings or fencing to relieve headlight or other impacts.

Mr. Nylén will submit to the Town Clerk and the Planning Board a letter requesting an extension to file the Decision with the Town Clerk until end of business, Thursday, June 13, 2019. Upon motion made by Mr. Coons and seconded by Ms. Fish, it was VOTED to approve Mr. Nylén's request for extension to file the Decision with the Town Clerk until end of business, Thursday, June 13, 2019.

Members will sign the Decision and file it with the Town Clerk. A copy of the Decision is attached to these minutes.

84 Old Essex Road, Continued Public Hearing in accordance with MGL Chapter 40A, Section 11, to consider the application of MJP Properties for a Special Permit under Sections 7.5 and 6.16 of the Zoning By-Law for topographic changes within the "Setback Area" of 84 Old Essex Road, Assessors Map 58, Lot 32, Zoning District B.

and

84 Old Essex Road, MJP Properties, Determination under Section 4.9.5.1 of the Zoning By-Law to demolish the existing building and construct a new single family residence with associated paved driveway, patio, entry stairway with terraced retaining walls, utilities and landscaping and Determine that the proposed groundwater recharge system is satisfactory to the Planning Board.

Mr. Canny called to order the Continued Public Hearing in accordance with MGL Chapter 40A, Section 11, to consider the application of MJP Properties for a Special Permit under Sections 7.5

and 6.16 of the Zoning By-Law for topographic changes within the “Setback Area” of 84 Old Essex Road, Assessors Map 58, Lot 32, Zoning District B.

and

Request for Determination under Section 4.9.5.1 of the Zoning By-Law to demolish the existing building and construct a new single family residence with associated paved driveway, patio, entry stairway with terraced retaining walls, utilities and landscaping and Determine that the proposed groundwater recharge system is satisfactory to the Planning Board.

Engineer Robert Griffin of Griffin Engineering Group appeared before the Board representing MJP Properties and displayed a revised plan for 84 Old Essex Road.

Property Owner/Applicant Michael Panzero and several abutters were in the audience.

Mr. Griffin said the proposed building has been significantly reduced in size and volume. Current condition is a small house 12 ft. off the street line and 6 ft off the side line, which is to be razed and replaced with a new house.

Mr. Griffin noted that at the last hearing, and at the ZBA hearing, there were complaints about the size of the proposed house. As a result, the proposed building has been redrawn. The width of the building has been reduced by 18 feet. The building is now 22 ft. off the site line in conformance with the side yard setback and no longer requires ZBA relief. The proposed finished building area has been reduced by 7.4% to 2,416 sq. ft. The building roof pitch has been reduced to lower the building ridge line elevation by 4.5 feet. There is a set of stairs and a small 4 ft. wide porch leading to the front door. There is a two car garage and a turnaround. There were two dry well infiltration systems and on the revised plan there are three. They are picking up a lot of water from the roof areas.

Regarding the Topographic Change, Mr. Griffin said that in the setback area the disturbance is about 150 cu. yds., there is grading and there are stairs, and they are forced to work in that area because of the small site and the topographic constraints on the lot. They fall under the thresholds for disturbance in the interior area. They are disturbing about 30% of the setback area, and the by-right requirement is 10%. They are disturbing the setback area in the front and the side. The house is 4 ft. further back. There will be a small patio off the back of the house to provide access to the kitchen. The existing house is about 29 ft. from average grade, the proposed house is 28 1/2 ft. from the average grade. The house is at 64 ft. elevation and the height of the roof will be no higher than 92.5 ft. The rear of the house is about 3 ft. further back from the property line. The back of the house is now 46'. The original plan was 43'. The chimney is an additional 5 ft. in back. They will lower the grade at the back of the patio 1' lower than the existing grade from 68 ft. to 67 ft.

Regarding Drainage issues, Mr. Griffin said that there is a drain line that came down from the adjacent property and discharges at the hill and drops down into the catch basin. It is not on the subject property. He does not propose to make any changes to it. They will tie the overflow dry well into the catch basin and then into the drain so that it does not puddle in the driveway. None of the three drywells will be visible as they are underground. The plans were previously

provided to the DPW who requested that the drywell underneath the stairs be tied into the catch basin, which has been done.

Mary Hardwick, 86 Old Essex Road, spoke in favor of the revised plans.

Responding to Sandy Rogers, 82 Old Essex Road, Mr. Griffin said the rear of the house is about 3 ft. further back than it was previously and the chimney is an additional 5 ft. in back. Mrs. Rogers said she appreciates the effort.

Rick Rogers, 82 Old Essex Road asked for tall plantings at the rear.

Upon motion made by Ms. Fish and seconded by Mr. Mastrogiacomo, it was VOTED to close the Public Hearing.

Upon motion made by Mr. Canny and seconded by Mr. Coons it was VOTED to extend the date the Decision is filed with the Town Clerk to July 1, 2019 [subsequently extended to July 8, 2019].

Upon motion made by Ms. Fish and seconded by Mr. Coons, it was VOTED to approve the application of MJP Properties for a Special Permit under Sections 7.5 and 6.16 of the Zoning By-Law for topographic changes within the “Setback Area” of 84 Old Essex Road, Assessors Map 58, Lot 32, Zoning District B, with the condition that there be a notation that the elevation of the ridge line is not to exceed 92.5 feet;
and

Upon motion made by Mr. Canny and seconded by Ms. Fish, it was VOTED to approve the application of MJP Properties, for a Determination under Section 4.9.5.1 of the Zoning By-Law to demolish the existing building and construct a new single family residence with associated paved driveway, patio, entry stairway with terraced retaining walls, utilities and landscaping and Determine that the proposed groundwater recharge system is satisfactory to the Planning Board.

Details of both the application for Special Permit under Sections 7.5 and 6.16 and the Determination under Section 4.9.5.1 are shown on the plan entitled 84 Old Essex Revocable Trust, 84 Old Essex Rd., Manchester, MA, Permit Site Plan C-1, dated 3/27/2019 revised through 6/5/2019, prepared by Griffin Engineering Group, LLC.

Mr. Griffin said he would apply to the DPW for a Tie-In Permit.

96 Pleasant Street, Update on Infiltration System and Driveway, Johnson

Ms. Brown reported that there has been no update.

Town Planner Report, Brown

Ms. Brown submitted her Town Planner Report.

Surf Village Conservation Restriction Update

Ms. Brown reported that there has been no update.

Update on Mark Bobrowski Agreement for Zoning By-Law Recodification

Ms. Brown reported that Board members will be meeting with Atty. Bobrowski on June 26, 2019 beginning at 5:30

CPC Update

Mr. Mastrogiacomo reported that there is no update. There was no meeting.

Driveway/Curb Cuts

Mrs. Foley said she is trying to get a process in place. The DPW will be inspecting Driveway/curb cuts.

Mr. Mastrogiacomo said it is his opinion that the Driveway/Curb Cut application should go to the DPW first and then to the Planning Board.

Water Resource Overlay Protection District (4.9)

Mrs. Foley said she wants Driveway/Curb Cuts and Water Infiltration Systems inspected. Mr. Russell said he is concerned about adding enforcement policies that are not enforceable. There needs to be a clarification.

Stormwater Management Special Permit (6.15)

Tabled

Status of Section 6.11 6.11 Development Scheduling; Sewer Connection Limitation

Mrs. Delisio said the bylaw says there should not be more than 200 building permits and there have been many more than 200.

Ms. Brown recommended that this be brought to the meeting with Atty. Bobrowski.

Mr. Russell said this can be handled when the Board looks at the entire document.

Master Plan

Ms. Brown requested that Board members submit changes and edits to the Master Plan.

There being no further business to come before the Board, and upon motion made by Mr. Coons and seconded by Mrs. Delisio, it was VOTED to adjourn. Adjourned at 9:30 p.m.

Submitted, Approved by the Board on June 24, 2019

Helene Shaw-Kwasie
Secretary

Clerk Pro Tem

N.B. These minutes are not verbatim. They are the secretary's interpretation of what took place at the meeting.

Materials that were used at the meeting:
Draft Decision prepared by Atty. Nysten
Town Planner Report
84 Old Essex Road revised plans

Manchester-By-The Sea Planning Board

SPECIAL PERMIT AND SITE PLAN REVIEW DECISION

Memorial Elementary School

June 2019

The following is the Decision of the Manchester-By-The Sea Planning Board as constituted under Chapter 41 and empowered pursuant to Chapters 40A and 41 of the General Laws of Massachusetts and the Manchester-By-The Sea Zoning Bylaw **APPROVING WITH SPECIFIC CONDITIONS** the Application of the Manchester-Essex Regional School District.

A Petition was filed on February 10, 2019, by the Manchester-Essex Regional School District (the “Applicant” or the “District”) with the Manchester-By-The Sea Planning Board (the “Board”) requesting a Special Permit and Site Plan approval under the Town’s Zoning Bylaws to raze and replace the existing Memorial Elementary School on property located on Lot 47-6, 43 Lincoln Street, Manchester-By-The Sea, Massachusetts (the “Site”).

Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A. Notice was given by publication in The Manchester Cricket, a newspaper of general circulation in the Town of Manchester-By-The Sea. On February 22, 2019 and March 1, 2019, copies of such notice are attached hereto and made a part hereof.

Public Hearings were held on the Petition at the Manchester-By-The Sea Town Hall on March 11, 2019, April 8, 2019, May 6, 2019 and May 20, 2019 at which time the following members of the Board were present; Chairman, Peter Canny, Board Members, Ronald Mastrogiacomo, Constance Sullivan, Mary M. Foley, Andrea Fish, Christine Delisio and Loren G. Coons. The public hearing was closed on May 20, 2019. An extension was granted to the Board to file its decision on or before June 14, 2019.

The Applicant was represented by Samiotes Consultants, Inc. (“Samiotes”) and JCJ Architecture (“JCJ”).

The following documents and plans were submitted by the District and reviewed by the Board as part of the Special Permit application process.

**I. APPROVED PLANS AND SUBMISSIONS INCORPORATED
INTO THIS DECISION**

A. Approved Plans	Dated	Submitted By
1. Site drawings: EX-1.1; EX-1.2; EX-1.3; 5/24/2019		Samiotes
2. C-100A; C-100, C-101; C-102; C-103; C-104; C-200; C-201; C-300; C-301; C-400; C-401; C-501; C-502; C-503; C-504; revised through 6/10/2019	6/10/2019	Samiotes
3. Site drawings: L-100; L-200; L-201; L-300; L-400; L-401; L-402 revised through 6/10/2019	6/10/2019	Horiuchi Solien
4. Architectural Floor Plans – First and Second floor	2/5/2019	JCJ
5. Architectural Narrative	2/5/2019	JCJ
6. Site Lighting Photometric Plan	5/2/2019	GGD
7. Traffic Impact Analysis (include: queuing approach)	2/2018 - 5/3/2019	Bryant Assoc.
8. Memo re: queue calculations	5/10/2019	Bryant Assoc.
9. Stormwater management Plan; revised	5/10/2019	Samiotes
10. Cut & Fill Diagrams	1/28/2019	WTRich

B. Submissions		
1. Application for Special Permit	2/14/2019	District
2. Project Narrative	4/19/2019	JCJ
3. List of Plans and Documents (revised)	4/19/2019	JCJ
4. Combined Basement Plan		
5. Foundation Plan & Details		
6. Linden Engineering Partners LLC peer review	3/21/2019	Linden
7. Peer Review Response by Applicant	4/16/2019	Samiotes
Peer Review by Linden	4/26/2019	Linden
Responses to Linden Peer Review by Applicant	5/10/2019	Samiotes

C. Additional Building Information		
1. Perspective Views of Building	4/22/2019	JCJ

D. The following documents were submitted on the Record		
1. NOI; revised	5/10/2019	Samiotes
2. Phase 1 Stormwater Management Narrative (revision)	5/10/2019	Samiotes
3. EX-1.1; EX-1.2; EX-1.3;	4/12/2019	Samiotes
4. C-100A; C-100, C-101; C-102; C-103; C-104	4/12/2019	Samiotes
5. C-200; C-201; C-300; C-301; C-400; C-401	4/12/2019	Samiotes
6. C-501; C-502; C-503	4/12/2019	Samiotes
7. C-504	4/12/2019	
8. L-100; L-200; L-201; L-300; L-400; L-401; L-402	4/12/2019	Horiuchi Solien
9. Updated Plans: Civil & Landscape	3/8/2019	Samiotes / H-S
10. DD Plans: Civil & Landscape	3/6/2019	Samiotes / H-S
11. Stormwater Management Plan	2/25/2019	Samiotes
12. Notice of Intent (Conservation Commission)	2/25/2019	Samiotes
13. Stormwater Management Plan	2/14/2019	Samiotes
14. DD Plans: Civil & Landscape	2/8/2019	Samiotes
15. MM ES - Planning Board Presentation PPT	2/06/2019	JCJ/ Samiotes
16. Site Landscape Plan – L-200	1/11/2019	Horiuchi Solien

The Applicant's representatives provided the Board photographs of the Property and site plans. As noted in the plan submissions above, the Project includes razing of the existing Memorial Elementary School at the Site and the redevelopment of the new elementary school in a phased plan, leading to the construction of a new elementary school, new site utilities (including stormwater and flood control) landscaping and new parking.

The plans that were submitted for the new structure will meet zoning requirements according to the zoning table with the exception of the height of the building. The Applicant will apply to the building inspector, pursuant to M.G.L. c.40A, §3, for relief from the height requirements applicable to the building.

The Board has determined that the Applicant's use is in harmony with the general purposes and intent of the Manchester-By-The Sea Zoning By-law (the "By-law") and meets all the conditions of a Special Permit under Mass. General Laws Chapter 40A, Section 9 and the By-law and makes the following findings:

II. FINDINGS

The Board makes the following findings based upon the evidence presented during the public hearing sessions, testimony of the Applicant and interested citizens, and the approved plans and submitted documents noted above.

The Site plans referenced above show existing and proposed buildings, existing and proposed contour elevations, parking, driveways, service areas, surface water drainage, wetlands, surface water, areas subject to the 100-year flood, and landscape features. Issues of soil erosion, construction run-off, changes in ground water level and flooding have been addressed by the Applicant.

A. **By-law Section 6.9. Site Plan Review Special Permit Application and Findings**

The proposed plans for the Manchester Memorial Elementary School will constitute suitable development and will not result in a detriment to the neighborhood or the environment. The Board finds:

- a. The proposed site plan protects adjacent properties against detrimental uses on Site by providing adequate stormwater and surface water drainage and buffers against lighting, sight, sound, dust, vibration. It allows sun, light and air into all parts of the Site meeting this requirement.
- b. The Site provides convenient and safe vehicular and pedestrian movement within the Site with increased parking and drop off areas as conditioned by this Decision.
- c. The Site provides adequate facilities for handling and disposal of refuse.

- d. The project protects environmental features on the Site as conditioned by this Decision.
- e. Appropriate arrangement of structures on the Site is in the design as conditioned by this Decision.
- f. Improvement of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings and other features is in the design.
- g. The proposal is in compliance with applicable sections of the Zoning By-Laws was shown with the design.
- h. Architectural and site planning approaches integrate the new building into the existing landscape to enhance the aesthetics of the Site. Traffic patterns to the site remain the same, and add increased parking within the Site, so that backups on to Lincoln Street will be reduced.
- i. Since this is a District project and not a new private development, and not a significant expansion of the existing elementary school, the Board waives the requirement at By-law Section 6.9.7 for a performance guarantee. The Board finds that the District is responsible to complete the Project in accordance with the approved plans. The Board finds that the District's bid documents will include contractual protections through contractor's performance bonds, insurance, payment schedules and retainage to ensure that the Project is constructed in accordance with the Board approval and this Decision.

B. By-law Section 6.15 Stormwater Management Special Permit Application and Findings

Pursuant to By-law Section 6.15.4.C.5, stormwater discharges resulting from activities identified in By-law Section 6.15.4 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management guidelines as reflected in an Order of Conditions to be issued by the Conservation Commission are exempt from Board jurisdiction.

The Board finds that the stormwater discharges resulting from this Project are wholly subject to jurisdiction under the Wetlands Protection Act. The Project is accordingly exempt from this Special Permit requirement under Section 6.15.4.C.5. upon the issuance of the Order of Conditions by the Conservation Commission demonstrating the Project's compliance with the MassDEP stormwater standards.

C. By-law Section 7.5 Special Permit Findings

No special permit may be granted unless the Planning Board, acting as the special permit granting authority finds the proposed use in harmony with the purpose and intent of the Zoning Bylaw and will not be detrimental or injurious to the neighborhood in which it is to take place and that all requirements or conditions for the grant of the special permit

have been satisfied. No special permit shall be granted unless the Planning Board determines that the proposed use will not be detrimental to the surrounding neighborhood in light of each of the following factors. As required by Section 7.5, G.L. c.40A, §9 and the Board's responsibilities thereunder, the Board makes the following findings of fact, in light of the evidence before the Board, the Board members' personal knowledge of the locus and their understanding of the application before the Board and the Board members' responsibilities pursuant to statute.

This Special Permit for the proposed use will not be detrimental to the surrounding neighborhood:

- a. The size of the Site is adequate for its continued use as an elementary school, as conditioned.
- b. There is already an existing elementary school on the Site and the use is suitable for the Site.
- c. The existing access drive remains, and an additional drop-off loop will improve traffic flow to the Site from Lincoln Street so that the project will have an acceptable impact on traffic flow and safety as conditioned.
- d. The new building is an attractive blend of reddish colored brick with gray accent to reflect the colors of New England. The siting of the building opens up views from the entry drive through to the playing fields and beyond and the proposal has an acceptable impact on views and vistas in the neighborhood as conditioned.
- e. The sewage disposal, water and drainage are improved and are adequate as conditioned.
- f. There are adequate utilities to support the new building.
- g. Potential impacts on public and private water supplies and impact on natural wetland resources are mitigated with the design and the proposal has acceptable impacts.
 - aa. The building meets, as an elementary school, the zoning and dimensional requirements with the exception of building height.
 - bb. The Board finds that the existing and proposed screening will protect adjacent property.
 - cc. The Board finds that the exterior features and appearance of the structure are appropriate for the neighborhood.
 - dd. The Board finds that the size of the school and operation of the elementary school are reasonable for the neighborhood.

- ee. The Board finds that the location of access drives and traffic flow improvement should improve conditions in the neighborhood.
- ff. The Board finds there are sufficient on-site parking spaces for the neighborhood.
- gg. The Board finds that the design limits light, odor and noise, as conditioned.
- hh. The Board waves the requirement for a surety bond for performance.

D. By-law Section 4.9. Ground and Surface Water Resource Overlay Protection Districts; Wellhead Protection

The Project is located in the Ground and Surface Water Resource Overlay Protection Districts, and the Board determined as follows that the Project is allowed as of right without need of a special permit in said Overlay Districts.

Subsection 4.9.5.1.o.: The Board is in receipt of and agrees with the finding by the Building Inspector that the Project meets the requirements of 4.9.5.1(o) because any excavation within four (4) feet of the historic high groundwater table is performed in connection with the building foundation or the installation of utility works, including stormwater utilities for flood control, stormwater treatment and stormwater management.

Subsection 4.9.5.1.p.: Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot require a system for artificial recharge of precipitation that is satisfactory to the Board. The Applicant met this test.

E. By-law Section 4.8. Flood Plain

Pursuant to the original application, the Town’s Peer Reviewer noted the existence of a 2008 Metcalf & Eddy Study document which identifies this site as being in a Flood Plain. The site is not identified on FEMA maps, or on local maps as being within a Flood Plain District. This designation necessitates a requirement for additional on-site flood storage which has been accommodated in the current plans.

Based upon the aforementioned Findings of Fact and upon motion made by Mr. Coons and seconded by Mr. Mastrogiacomo, with all eligible Members Canny, Coons, Delisio, Fish, Foley, Mastrogiacomo), voting in the affirmative, on June 10, 2019, it was **VOTED TO APPROVE** the application of the Manchester-Essex Regional School District for a Special Permit under Sections 6.9 and 7.5 for the razing and reconstruction of the elementary school on land owned by the Town of Manchester, **SUBJECT TO EACH AND EVERY ONE OF THE FOLLOWING CONDITIONS:**

III. CONDITIONS OF APPROVAL

1. This Special Permit is conditional upon construction in accordance with the approved plans.
2. This Special Permit requires the approval of the Stormwater Management Plan by the Manchester-By-The-Sea Conservation Commission.
3. The terms of use and hours of operation for construction access and parking associated with this Project on Town owned property will be established by and under direction of the Manchester-By-The Sea Board of Selectmen. The Memorandum of Agreement between the District and the Manchester-By-The Sea Board of Selectmen dated June 2019, is hereby incorporated by reference.
4. Relief from the building height must be obtained from the Building Inspector pursuant to M.G.L., c.40A, §3, also known as the Dover Amendment.
5. SITE ACCESS AND PEDESTRIAN AND VEHICLE SAFETY

Access points to and from the construction site and the occupied school buildings (existing and new buildings when occupied) during each phase of the construction will be reviewed by the Applicant and its contractors with both the Manchester-by-the Sea Police and Fire Chiefs, and their approval of the access plan shall be obtained prior to proceeding with that phase of construction.

The roadways adjacent to the access and exit points for all trucks entering or exiting the site shall have appropriate warning signage installed by the Applicant and its contractors in conformance with the U.S. Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition. The exact type of signage, locations of signage and extent of signage shall be determined by the Town of Manchester-by-the Sea Police Department to maintain public safety.

During all phases of the construction, the Town of Manchester-by-the Sea Police and Fire Departments will be provided with access inside the fenced and gated construction zone on an emergency basis during the day and after hours.

As construction begins and proceeds, the Manchester-by-the Sea Police and Fire Departments will monitor the traffic and access conditions carefully. Any adjustments to the plan required by the Manchester-by-the Sea Police and Fire Departments will be implemented by the Applicant and its contractors as soon as possible.

Daily and emergency access and egress shall be provided to the occupied portions of the existing and new school buildings at all times.

The Applicant shall provide and pay for police details during deliveries or as needed for

any necessary road shutdowns.

The Applicant and its contractors shall require that all trucks entering and leaving the site switch-off their engine retarders, also referred to as “Jake Brakes” when travelling the residential streets in the Town. Said trucks shall not idle in excess of five (5) minutes in compliance with state air quality regulations.

6. A comprehensive project schedule shall be submitted to the Planning Board and the Building Department prior to any new construction at the site. The schedule shall be updated on a monthly basis or as often as necessary and shall include the phases of construction with approximate dates for each phase.
7. No storage of snow removed from any new parking areas, driveways or treated walkways shall occur in areas that do not drain to the stormwater treatment and management systems being constructed at the site.
8. Noise levels shall be in compliance with the federal OSHA standards.
9. Both digital and hard copies of the approved site plans and the as-built plans of the site utilities shall be provided to the Director of the Department of Public Works. The approved site plans shall be provided within one month of the granting of this Special Permit and the as-built plans shall be provided within three (3) months of completion of construction.
10. Water and sewer permits shall be obtained from the Town of Manchester-by-the-Sea prior to any water and sewer work at the site.
11. Prior to site disturbance, grading or construction, the Applicant shall have received all necessary approvals from the Manchester-by-the-Sea Conservation Commission. Erosion controls prior to and during construction shall follow the requirements of the Order of Conditions to be issued by the Conservation Commission
12. The Applicant shall take all reasonable measures to control dust generated by the exposed earth or construction activities on the site. Dust control at the site shall be by watering or the use of non-toxic applications.
13. If underground conditions discovered during construction should require the use of any explosives at the site the Applicant shall do the following:
 - a. Submit to the Fire Chief for his approval a detailed plan of the explosives to be used, the time and date they are to be used, and the individuals to be responsible for said blasting, prior to the use of any explosives or other devices employed for the purpose of blasting, demolishing rock, vegetation or strata for the proposed construction.
 - b. The Applicant shall install and monitor on- and off-site seismographs during all

blasting operations and se readings shall be recorded by Applicant or his Agent. A list indicating the seismographic reading shall be kept by the Applicant and copies sent to the Fire Chief.

- c. Prior to the use of any explosives, Applicant shall post with the Fire Chief a statutory bond in compliance with State law and applicable regulations and shall provide the Fire Chief with a certificate of insurance evidencing public liability insurance for blasting operations in an amount of not less than the amount specified by law to secure a guarantee against the unintended destruction of any off-site property. Said surety shall not be released by the Fire Chief until the use of explosives has ceased and he is assured that no unintended damage or demolition has occurred.
 - d. The Applicant agrees to notify, with written or electronic notice where reasonable and appropriate, the abutters or all those dwelling within 500 feet, measured horizontally, of the dates and times of blasting at least 36 hours prior to commencing blasting or demolition operations.
 - e. The Applicant shall perform pre-blast surveys for abutters within 500 feet, measured horizontally, of the edge of blasting holes. All blasting shall be in accordance with Fire Department regulations. Immediate abutters will be supplied with a copy of the pre blast survey and a certificate of insurance, which will be in the amount specified by law.
14. Storage of construction related hazardous or toxic materials such as fuels, compressed gases, etc. shall not be on-site unless in strict compliance with Section 4.9 of the Bylaw to protect against the discharge of toxic or hazardous materials. OSHA standards and the National Fire Protection Association guidelines must also be met.
15. Construction work and future use of the site shall be in conformance with the Construction Period Pollution Prevention Plan, the Storm Water Pollution Prevention Plan, the Long-Term Pollution Prevention Plan and the Stormwater Management System Operations and Maintenance Plan.
16. The District will work with the owner of 86 Summer Street and other abutters to mitigate any potential impacts associated with the new service road including, but not limited to, plantings or fencing to relieve the headlight or other impacts.

MANCHESTER-BY-THE SEA PLANNING BOARD AND ITS MEMBERS

Peter Canny

Ronald Mastrogiacono

Loren G. Coons

Mary M. Foley

Andrea Fish

Christine Delisio

MANCHESTER-BY-THE SEA
TOWN CLERK

_____, 2019

This Decision is effective when a Certified Copy is filed at the Essex County Registry of Deeds. A Certified Copy may be obtained from the Town Clerk the next business day after the expiration of the twenty (20) day Appeal period, Special Permits shall lapse two (2) years after date of grant. Written Findings shall lapse three (3) years after date of grant. If the rights authorized by a Special Permit are not exercised within three (3) years of date of grant of such Special Permit, such rights shall lapse unless: (1) substantial use or construction has commenced, or (2) a Petition for an extension has been filed prior to the expiration date, or (3) the property that is the subject of the Special Permit has been conveyed in reliance on said Special Permit prior to the expiration date of such three (3) year period.

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